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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/284,699 04/19/99 TANAKA

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020999 WM01/0814  
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NEW YORK NY 10151

EXAMINER
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SALCE, J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED:

08/14/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/284,699

Applicant(s)

TANAKA, YASUSHI

Examiner

Jason P Salce

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: SV2 and M<sub>cm</sub>. Correction is required.
2. Referring to FIG. 3, item D<sub>pc</sub> has a grammatical error (should be Program). Also in FIG. 4, item D<sub>A1</sub> has a grammatical error (should be Regular).

### ***Specification***

3. The specification contains numerous grammatical errors, apparently resulting from the translation. Applicant is advised that corrections should be made.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "plurality of hierarchy" is not clear as recited in claim 5.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Klosterman et al.

Referring to claims 1 and 4, Klosterman discloses a satellite that can broadcast a data-stream, wherein said data-stream includes television schedule information, advertisement information, and internet address linking information, as well as other information that can be used to describe an electronic program guide (See Column 4, Lines 63-67). In Figure 2, Klosterman discloses that the program guide screen 200 also contains advertisement space 250. (See Column 5, Lines 55-58). In Figure 6a, Klosterman discloses a guide screen that has an interactive information region that may connect to an internet site (See Column 9, Lines 20-27).

Referring to claims 2 and 3, Klosterman discloses an internet link (video icon) that will retrieve an Audio-Video-Interleaved (AVI) file (See Column 11, Lines 43-48). The system may automatically activate a video clip corresponding to a news headline that the user has selected (See Column 11, Lines 52-54).

Referring to claim 6, Klosterman discloses a program guide data processor (Figure 12) that controls the program guide's capabilities, such as having an internet link for connecting to commercial information (Column 9, Lines 24-27). This program guide data processor shows a separating means and a processing means for displaying an

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electronic program guide that can support interactive commercial information (Column 9, Lines 54-61).

Referring to claim 7, Klosterman discloses that the program guide data processor contains a unique unit address. This unique unit address can allow an external computer to access the system through a computer network that allows the electronic program guide to receive commercial information (See Figure 12 and Column 12, Lines 52-65).

6. Claim 5 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hoarty et al.

Referring to claim 5, Hoarty discloses a node(s) in a multimedia system. The node(s) contains control software that places advertisement data into a system database. The database items are linked to a thesaurus, which establishes a network of meaning and associations amongst the advertisement data in the node(s) (See Column 13, Lines 31-40). As best understood by the examiner, these node(s) represent a "plurality of hierarchy in accordance with the data size", and a small or large amount of "identification information for identifying said commercial information".

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Broadwin et al. U.S. Patent No. 5,903,816 discloses an interactive television system and method for displaying web-like stills with hyperlinks.

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Alexander et al. U.S. Patent No. 6,177,931 discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

Baji et al. U.S. Patent No. 5,027,400 discloses a multimedia bi-directional broadcast system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-4380. The examiner can normally be reached on M -Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-5741 for regular communications and (703) 746-5741 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

August 6, 2001